

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**DEUTSCHEBANK NATIONAL TRUST
COMPANY,**
Plaintiff,

VS.

ZACHARY KENNEDY, ET AL.
Defendants.

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CIVIL ACTION NO. 4:13-CV-888-O

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION REGARDING MOTION TO
REMAND**

Pending before the Court is Plaintiff's Motion to Remand [doc. #8], filed November 25, 2013. On October 29, 2013, Defendants, appearing *pro se*, removed the above-styled and numbered cause to this Court pursuant to diversity of citizenship jurisdiction under 28 U.S.C. § 1332. In the Notice of Removal, Defendants indicated that they were citizens of Texas and that Plaintiff was a citizen of New York. In the Motion to Remand, Plaintiff claims that this case should be remanded because, pursuant to 28 U.S.C. § 1441(b), "a civil action otherwise removable solely on the basis of [diversity of citizenship] jurisdiction under section 1332(a) . . . may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." 28 U.S.C. § 1441(b)(2). *See* Plaintiff's Motion to Remand ("Pl.'s Mot.") at 2. Having carefully considered the motion, and noting that Defendants wholly failed to file a response, the Court recommends that Plaintiff's Motion to Remand be **GRANTED** for the reasons stated therein.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate

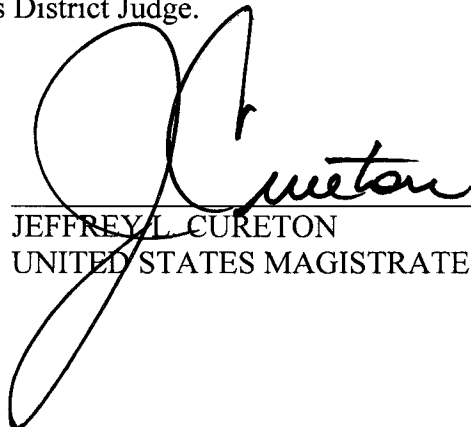
Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **December 31, 2013**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED December 17, 2013.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE

JLC/knv